

# **Exhibit 1**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

In Re:

DHC REALTY, LLC,

Debtor,

Case No.: 11-30977-hcm

DHC REALTY, LLC, CHOWAIKI  
HOLDINGS, LLC, EL PASO DHC  
ENTERPRISES, LLC, EL PASO DHC  
ENTERPRISES FAR EAST, LLC,  
EL PASO DHC ENTERPRISES  
WEST, LLC, and DAVID CHOWAIKI

Plaintiffs,

v.

Adversary No.: 12-03012-hcm

ARMANDO ARMENDARIZ,  
YVETTE ARMENDARIZ, and  
HECTOR ARMENDARIZ,

Defendants.

ARMANDO ARMENDARIZ and  
YVETTE ARMENDARIZ

Counterclaimants

v.

DHC REALTY, LLC, CHOWAIKI  
HOLDINGS, LLC, EL PASO DHC  
ENTERPRISES, LLC, EL PASO DHC  
ENTERPRISES FAR EAST, LLC,  
EL PASO DHC ENTERPRISES  
WEST, LLC, DAVID CHOWAIKI, and  
HILEL CHOWAIKI

Counterdefendants

**RESPONSE TO PLAINTIFFS' MOTION TO COMPEL AND FOR SANCTIONS  
AGAINST HECTOR ARMENDARIZ**

TO THE HONORABLE COURT:

Defendants Armando Armendariz, Yvette Armendariz, and Hector Armendariz (collectively "Defendants"), by their undersigned counsel, file the following Response to Plaintiffs' Motion to Compel and for Sanctions against Hector Armendariz ("Motion" or "Motion to Compel"), and in support of thereof show:

**INTRODUCTION**

1. Plaintiffs have filed a Motion to Compel against Defendant Hector Armendariz ("Hector Armendariz") claiming among other things, insufficient responses and invalid objections. Defendants will attempt to address each of the issues raised by Plaintiffs. A careful reading of the discovery responses shows Hector Armendariz has agreed to produce the documents Plaintiffs have requested, although he has only limited documentation.
2. Defendants corresponded with Plaintiffs regarding the exchange of discovery. Each of these letters are attached hereto as Exhibits 1, 2, and 3. The first letter of November 14, 2012 was in response to a telephone call from counsel for Plaintiffs requesting clarification on some of Defendants' discovery requests. Defendants responded in good faith by providing the requested information, along with some sample documentation for illustration purposes. Additionally, in the same letter of November 14<sup>th</sup>, Defendants suggested a mutual confidentiality agreement to protect the interests of both Plaintiffs and Defendants. No response was given as to the proposed confidentiality agreement, and a second letter on November 26, 2012 was sent to Plaintiffs not only to request a response as to the confidentiality agreement, but to

provide Plaintiffs with the signed verification pages and attachment which were inadvertently not included with Defendants' initial responses to discovery. A third letter was sent on January 17, 2013. This letter attempted to illicit clarification and supplemental responses to Plaintiffs responses to Defendants' discovery requests, as well as to ask, yet again, about a confidentiality agreement. Again, no response was ever made to Defendants' inquiry as to a confidentiality agreement.

3. The only thing preventing Plaintiffs from receiving Defendants' document production is an agreed confidentiality agreement. Hector Armendariz only wishes to protect his and his family's personal information that Plaintiffs have requested. Hector Armendariz has agreed to produce for inspection and copying all other documentation Plaintiffs have requested relating to the operations of their restaurants in his possession, which may in fact be none. Hector Armendariz has only sought to limit Plaintiffs requests to the scope of the lawsuit, which relates to his alleged conduct while employed by Plaintiffs, nevertheless, Hector Armendariz does not have much, if any, of the documentation requested, regardless of the time period.

4. Defendants have sought to resolve the discovery issues in good faith. Defendants believe Plaintiffs' Motion to Compel is without merit.

### **RESPONSE**

#### **Responses to Interrogatories 3-9**

5. Plaintiffs object to Hector Armendariz's responses to Plaintiffs' Interrogatories 3 through 9. Plaintiffs incorrectly state that "Hector has the burden of establishing each affirmative defense he has plead and must put forward evidence to prove each affirmative defense he has asserted" (see Motion, ¶ 10), in response to these

interrogatories. Affirmative defenses are neither required to be established nor proven in a discovery context. Plaintiffs have summarized the information requested in their Interrogatories 3 through 9 (see Motion ¶ 9), however, this summary is inadequate. Interrogatories 3 through 9 request the same information regarding each of Defendants' affirmative defenses. Interrogatory 3 states as follows:

If you contend that Plaintiffs' claims are barred in whole or in part by fraud, please set forth all of the facts and evidence that you intend to use to support that defense, identify all documents (by title, date, author, custodian and a summarization of contents) that you intend to use to support that defense, and identify all persons who have knowledge of facts supporting that defense.

A complete reading of this interrogatory alone shows the legitimacy of Defendants' objections. Defendants have provided a brief summary of what they intend to demonstrate to Plaintiffs to support their affirmative defenses. However, requesting that Defendants identify all documents that they intend to use to support their defenses not only impinges upon attorney work product privilege, but further, requesting that they also provide the title, date, author, custodian, and a summarization of the contents of each document which they intend to use to support their affirmative defenses is overly burdensome. Further, the interrogatory uses the overly broad term "all" when referring to facts, evidence, and documents that it requests defendants set forth. Plaintiffs have contested that the responses to their Interrogatories 3 through 9 do not sufficiently address each affirmative defense. In summary, Defendants will agree to more specifically summarize what they intend to show to support their affirmative defenses.

**Defendants' General Objection**

6. Plaintiffs have objected to the general objection Defendants have made to each of Plaintiffs' Requests for Production (see Motion, ¶ 17). Defendants have objected that Plaintiffs have requested documents after Hector Armendariz's employment with Fuddruckers on the basis that such documents after his term of employment are irrelevant and outside the scope of permissible discovery. Defendants will amend this objection as Hector Armendariz was not terminated by Plaintiffs, as stated, as were Defendants Armando and Yvette Armendariz, but quit.

7. Plaintiffs' allegations against Hector Armendariz are based on his alleged conduct while he was employed by Plaintiffs. Hector Armendariz has agreed to produce his private financial information in the form of tax records as requested by Plaintiffs during the time period of his employment. Hector Armendariz has no other financial records as he has no bank accounts, stock certificates, etc. Requests for documentation, specifically, Hector Armendariz's personal financial information, after he ceased being an employee of Plaintiffs is irrelevant given all the allegations of conduct while he was an employee.

8. Plaintiffs have not provided an argument as to why Defendants should disclose such personal, private financial information after the term of employment.

9. Hector Armendariz has responded to Plaintiffs' requests for production relating to the Fuddruckers restaurants by agreeing to produce the only documentation he may have in his possession, in response to Request for Production No. 33 relating to communications with vendors, etc. Hector Armendariz has no other documentation in

his possession relating to Fuddruckers requested by Plaintiffs, and has stated as such in his responses.

10. Plaintiffs' allegations pertain to alleged conduct while Hector Armendariz was employed by Plaintiffs. Plaintiffs attempt to argue that the damages stemming from this alleged conduct continued after Hector Armendariz was no longer employed and therefore, they are entitled to the documentation they have requested including documentation after Hector Armendariz was no longer their employee. Restricting the time period of Plaintiffs' requests for production to the period of Hector Armendariz's employment would protect him from such undue prejudice. Any documentation after Hector Armendariz's employment with Plaintiffs is furthermore irrelevant given Plaintiffs' allegations in their Complaint.

#### **Paragraphs 21-23 of Plaintiffs' Motion**

11. In paragraphs 21 through 23 of their Motion, Plaintiffs state that they have requested various documents relating to Hector Armendariz's finances during and after his employment. Hector Armendariz has responded that he has no such documents that Plaintiffs have requested. Hector Armendariz has no bank accounts of any kind, no credit cards, no stock certificates, etc. The only documents Hector Armendariz has responsive to these 18 requests are his income tax returns which he has agreed to produce subject to a confidentiality agreement.

12. Plaintiffs have shown no interest in agreeing to such a reasonable confidentiality agreement. Plaintiffs could have had an opportunity to examine Hector Armendariz's tax returns for months now if they simply had agreed to a confidentiality agreement.

13. Paragraph 22 of Plaintiffs' Motion addresses the issue of Plaintiffs' Request for Production No. 7 which asked for certain documents relating to real property. Hector Armendariz responded that he will produce whatever documents he may have in this regard subject to a confidentiality agreement. Defendants are unsure as to why there is a dispute when a such a response was given.

**Requests for Production 18-21, 23-26, 30 and 34**

14. Plaintiffs take umbrage to Defendants objections to Plaintiffs' Requests for Production 18 through 21, 23 through 26, 30 and 34. For Requests for Production, 18, 19, 20, 23, 25, 26, 30 and 34, Hector Armendariz has no documents responsive to these requests. As for Requests Nos. 21 and 24, Hector Armendariz has agreed to produce any documentation he may have responsive to these requests, notwithstanding any objections she has made, subject to a confidentiality agreement.

**Requests for Production 27, 29, 31-33, 35-39, 41, and 42**

15. Request No. 27 asks for telephone records for Hector Armendariz's entire family. In spite of this invasive request, Hector Armendariz has stated that he will make these documents available for inspection, should he have any in his possession. This is again another basis for a confidentiality agreement.

16. Hector Armendariz has responded to Request for Production Nos. 29, 31, 32, 35, 37, 38, 39, 41, and 42 that he has no documents related to these requests.

17. In spite of the overly broad request for "all records of food purchases made by you since January 1, 2009", Hector Armendariz has agreed to produce the records of his food purchases in response to No. 36 should there be any.

18. Request for Production No. 33 requests all documents related to certain communications relating to the business of Fuddruckers restaurants and Hector Armendariz has agreed to make any records he may have in his possession subject to a confidentiality agreement.

### **Confidentiality Agreement**

19. Many of Plaintiffs' Requests for Production have requested Hector Armendariz's personal information, including income tax records insurance policies, telephone records, etc. Hector Armendariz has agreed to produce all of this information, for the time period he was employed by Plaintiffs, subject to a confidentiality agreement. Plaintiffs' contend that requesting a confidentiality agreement to protect Hector Armendariz personal information is an "arbitrary condition" and "an invalid attempt to evade discovery" (Motion, ¶ 33). Hector Armendariz is entitled to the protection of his personal information.

### **CONCLUSION**

20. Hector Armendariz will agree to more specifically set forth the factual basis for his affirmative defenses as requested in the Interrogatories mentioned in Plaintiffs' Motion. As for Plaintiffs' Requests for Production, there is not a single request for which Hector Armendariz has stated he is not willing to produce documentation which he has in his possession. The only exception is Hector Armendariz's contention that Plaintiffs are not entitled to documentation outside the scope of this lawsuit, that is, documentation pertaining to the time period when Hector Armendariz was no longer employed by Plaintiffs.

WHEREFORE, Defendants respectfully request that Plaintiffs' Motion be denied, and that Defendants be granted any further relief to which they may be justly entitled.

Respectfully submitted,

**FIRTH◆JOHNSTON◆MARTINEZ**

Attorneys for Defendants  
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El Paso, Texas 79901  
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/s/ Christopher R. Johnston  
**CHRISTOPHER R. JOHNSTON**  
State Bar No. 10834200

**DIAMOND LAW**

Attorneys for Defendants  
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Phone: (915) 532-3327  
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/s/ Sidney J. Diamond  
**SIDNEY J. DIAMOND**  
State Bar No. 5803000

**CERTIFICATE OF SERVICE**

I, Christopher R. Johnston, do hereby certify that on February 5, 2013, a true and correct copy of the foregoing Response to Plaintiffs' Motion to Compel and for Sanctions Against Hector Armendariz, was served via electronic means as listed on the Court's ECF noticing system or by depositing the same in the United States Mail, properly addressed and postage prepaid, to the following parties:

**THE DEBTOR:**

DHC Realty, LLC  
301 Williams  
El Paso, TX 79901

**THE DEBTOR'S ATTORNEY:**

Corey W. Haugland  
P.O. Box 1770  
El Paso, TX 79949-1770

/s/ Christopher R. Johnston  
**CHRISTOPHER R. JOHNSTON**

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# **Exhibit 1**

# FIRTH◆JOHNSTON◆MARTINEZ

A PROFESSIONAL LEGAL CORPORATION

415 NORTH MESA, THIRD FLOOR  
EL PASO, TEXAS 79901  
(915) 532-7500  
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**VICTOR M. FIRTH**  
Member: Texas and Oklahoma Bars

**CHRISTOPHER R. JOHNSTON<sup>†</sup>**  
Member: Texas and New Mexico Bars

**ANTONIO MARTINEZ, JR.**  
Member: Texas Bar

**EDWARD DEV. BUNN, JR.**  
Member: Texas and New Mexico Bars

**J. CRAWFORD KERR**  
Member: Texas Bar  
Of Counsel

**CRAWFORD S. KERR, JR.**  
Member: Texas Bar

<sup>†</sup> Board Certified – Texas Board of Legal Specialization  
Civil Trial Law and Personal Injury Trial Law

November 14, 2012

**VIA FACSIMILE: (915) 541-6440**

Mr. Corey W. Haugland  
James & Haugland, P.C.  
609 Montana  
El Paso, TX 79902

Re: *DHC Realty, Inc., Debtor; Case No. 11-30977-hcm; DHC Realty, LLC, Chowaiki Holdings, LLC, et al v. Armando Armendariz, et al.; Adversary No 12-03012-hcm; In the United States Bankruptcy Court for the Western District of Texas, El Paso Division*

Dear Mr. Haugland:

I am writing in response to the telephone call I received last week from your associate, Mr. Wall, requesting clarification on various requests for production. Below is some clarification for the responses you inquired about as well as attached document samples:

Request for Production No. 15 c.: Requests copies of manager payroll checks with stubs; payroll reports, see attached "Management Payroll 12-31-2011" example.

Request for Production No. 16: See attached "Weekly Catering Recap" example.

Request for Production No. 21: All checks that were issued to Army & Air Force Exchange Service (AAFES) with a paid percentage for sales from Dona Ana, McGregor Range, Fort Bliss, Holloman Base for the stated dates.

C. Haugland

November 14, 2012

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Request for Production No. 29: Managers in store monthly, completed inventories for stated date range. See attached inventory spreadsheet example (10 pages).

Request for Production No. 38: See attached payouts "FUDDS 1" example (1 page).

Request for Production No. 45: All questionnaires, reports, and/or documents requested from Luby's Fuddruckers Restaurants, LLC auditing department.

Request for Production No. 48: See attached "PO Catering Outstanding 2010" example.

In addition to the above, Defendants' discovery was served via Certified U.S. Mail on September 17, 2012. Pursuant to FRCP §§ 33(b)(2), 34(b)(2)(A), and 6(d), Plaintiffs' responses were due no later than October 22, 2012. No attempts were made requesting additional time to respond. I only received a telephone call from Mr. Wall last week regarding the above discovery requests. Please let me know why you have not responded to my clients' discovery requests, and when you intend to serve them.

We are also in the process of preparing Defendants' responses to Plaintiffs' discovery. Many of Plaintiffs' Requests for Production seek Defendants' personal information relating to bank account statements, income tax returns, telephone records, etc. Since these documents contain Defendants' personal information, we will produce only subject to a signed confidentiality agreement. Since I am assuming your client would likewise wish to keep some of their documentation confidential, I propose a mutual confidentiality agreement. If this is agreeable to you, could you please draft a mutual agreement and send it to me for review.

Very truly yours,

FIRTH•JOHNSTON•MARTINEZ

Christopher R. Johnston

CRJ:mz



## Management Payroll

**12-31-2011**

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### Far East

**Abraham Alfaro  
Danny Armendariz  
Hector Armendariz  
Yvette Armendariz  
Marie Drake**

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## WEEKLY CATERING RECAP

WEEK ENDING: 08/24/2008

CONTRACTED	M	TU	WED	TH	FRI	SAT	SUN	TOTAL
McGregor	\$ N/A	664	950	N/A	N/A	N/A	N/A	\$1,614
DONA ANNA	\$ N/A	\$0.						
WHITE SANDS	\$ N/A	532	N/A	N/A	N/A	N/A	N/A	\$532
ADC	\$ 198	294	174	264	216	N/A	N/A	\$1,146

TOTAL CONTRACTED \$3,292

PRIVATE				
JESUS po	TUE	F. EAST	\$280	
BECKY	TUE	WEST	\$480	
TERRI po	TUE	F. EAST	\$400	
YOLONDA	TUE	F. EAST	\$195	
PARKER	TUE	F. EAST	\$480	
STATE FARM	TUE	WEST	\$333	
MR. GREY	THUR	F. EAST	\$550	
RAY	THUR	F. EAST	\$261.33	
KATHIA po	THUR	F. EAST	\$1600	
JEAN	THUR	F. EAST	\$125	
LETTY po	FRI	F. EAST	\$572	
LETTY	FRI	F. EAST	\$195	
KATHY po	FRI	F. EAST	\$1100	
BECKY	FRI	WEST	\$433	
MAGGIE	SAT	F. EAST	\$435.11	
ANNA	SAT	F. EAST	\$1970.15	
ANNA	SAT	F. EAST	\$454.65	
HELEN	SAT	EAST	\$81	

TOTAL PRIVATE CATERING: \$ 9,945.24

TOTAL CATERING BY STORE:

EAST:	\$81
WEST:	\$913
F.EAST	\$12,243.24

Total Catering \$13,237.24

## WEEKLY SALES &amp; LABOR

	TY/SALES	LY SALES	% + OR -	GC	HR	\$	%
EAST	20,340	34,130	-40.40	2029	558	3836	18.86%
WEST	29,071	29,597	-1.77%	2728	772	5186	17.84%
F. EAST	28,404	N/A	N/A	1886	682	4226	16.29%
COMPANY	77,815	63,727	+22.10%	6643	2012	13,248	17.0%

Entered 02/05/13 21:54:55 Exhibit Exhibit 2 Pg 6

PRODUCT	Bng	PUR	PUR	TRAN	TOTAL	end inv	USED	COST	TOTAL	TOTAL PUR
FLNL CAKE ADC	Each				3	-3		\$0.40	-1.208331	\$0.00
									TOTAL	-1.208331
										5.80%
										\$0.00
<b>MEAT</b>										
1lb.	Each				0	\$24.03	0	\$0.00		
2/3 Superito Patties	lb.				0	\$1.59	0	\$0.00		
Bacon Slices	Case				7	\$29.58	207.06	\$0.00		
1/2 lb (8oz)	Case				0	\$29.55	0	\$0.00		
1/3 lb (5.3)	Case					#####	\$19.70	#VALUE!		\$0.00
1/5 lb (3.2)	Case				0	\$31.52	0	\$0.00		
Dog Big 15 per pack 2packs	Each				0	\$0.60	0	\$0.00		
Dog Kid 48 per pack 2/	Each				0	\$0.38	0	\$0.00		
Garden Burger 48/case	Each				0	\$0.77	0	\$0.00		
Foots ribey 6oz	Each				0	\$2.77	0	\$0.00		
Ribeye 12 oz.	Each				0	\$6.06	0	\$0.00		
Sirloin 6 oz.	Each				0	\$6.38	0	\$0.00		
Sirloin 12 oz.	Each				0	\$1.37	0	\$0.00		
Buffalo Patty 40 PC.	Each				0	\$3.29	0	\$0.00		
Beef Tripe	lb.				0	\$1.80	0	\$0.00		
Breakfast ham spiral	lb.				0	\$1.41	0	\$0.00		
Sausage Links	Case				0	\$2.99	0	\$0.00		
Breakfast ham 16/ pack 4/pack	Slice				0	\$27.25	0	\$0.00		
					0	\$0.10	0	\$0.00		
					TOTAL	#VALUE!	#VALUE!	\$0.00		
<b>→ CHEESE/DAIRY</b>										
American	Sleeve				0	\$11.62	0	\$0.00		
Buttermilk	1/2 Gal				0	\$2.17	0	\$0.00		
Cheddar (sliced)	Sleeve				0	\$4.06	0	\$0.00		
Cheddar/Jack Blk	Bag				0	\$11.86	0	\$0.00		
Cheese, Golden Velvet Yw Spr	Blocks				0	\$10.06	0	\$0.00		
Creamers all flavors	Case				0	\$14.05	0	\$0.00		
Garlic Marg	Each				0	\$9.70	0	\$0.00		
Margarine	Blocks				0	\$0.73	0	\$0.00		
Margarine CUPS	CASE				0	\$15.35	0	\$0.00		
Milk Gallons	Gallon				0	\$4.17	0	\$0.00		
Monterey Jack	Sleeve				0	\$3.31	0	\$0.00		
Pecsan, Shrd	Sleeve				0	\$11.38	0	\$0.00		
1-popperback	Sleeve				0	\$6.28	0	\$0.00		
Sour Cream	lbs				0	\$1.16	0	\$0.00		
Swiss	Sleeve				0	\$4.43	0	\$0.00		
10d hard chkd eggs	Each				0	\$2.27	0	\$0.00		
Liquid eggs W/ Chkd (2ea Case)	Each				0	\$26.12	0	\$0.00		
Liquid eggs	Each				0	\$27.43	0	\$0.00		
Yogurt	Each				0	\$2.30	0	\$0.00		
					TOTAL	0	0.00%	\$0.00		
<b>BREAD</b>										
Sesame Seeds	Each				0	\$6.37	0	\$0.00		
Yeast 20/cs	Each				0	\$3.50	0	\$0.00		
Baking powder	TUB				0	\$9.91	0	\$0.00		
Baking soda	BOX				0	\$1.06	0	\$0.00		
Vanilla extract	gal				0	\$4.99	0	\$0.00		
Oil/Pan Coating	Each				0	\$2.72	0	\$0.00		
Cina Roll	Each				0	\$0.20	0	\$0.00		



PRODUCE		8
Avocados	Case	\$29.75
Bananas	lb	\$0.45
Cabbage Red	each	\$0.00
cantaloupe	each	\$0.00
Carrots Shredded	bag	\$0.00
Catley Sticks (36 cubunch)	lb	\$0.60
Cilantro	Bunch	\$0.35
Cole Slaw	lb	\$0.90
Cut Romaine	Bag	\$4.69
Dry red chile	lb	\$1.90
Jalapenos	lb	\$0.50
Kale	Case	\$12.75
Lemons	lb	\$0.85
Lettuce - Iceburg 24 ct	Case	\$17.50
Lettuce - shredded	Bag	\$3.50
Limes	lb	\$0.65
lq Green Chili (Anaheim)	lb	\$1.40
Mushrooms PBello	Case	\$16.50
Mushrooms Sliced #5 and #10	Case	\$18.00
Potatoes (50 to 60 ct.)	Case	\$18.75
Red onions	lb	\$0.30
Red onion rings	lb	\$0.30
Shredded Mix	Case	\$0.00
Strawberry/	each	\$3.44
Tomatoes 5/6	Case	\$2.25
Papaya	lb	\$21.75
mix veg	each	\$0.80
Jalapenos (6 - #10)	Can	\$1.45
Watermelon	lb	\$3.04
Eggs	Dozen	\$0.20
Jalapenos whole (6 - #10)	CAN	\$1.23
Garlic	lb	\$2.97
Onion White	lb	\$0.90
Red baby potato	lbs	\$0.40
Yellow onion rings	lb	\$0.50
		\$1.40
OTHER FOODS		
Noodle Chow mein	can	
Mandarin Oranges	Can	
The Crackers	Case	
Agar Balsamic	Bottle	
Vinegar White	Bottle	
Gravy mix turkey	bag	
Sugar free syrup	BTL	
Syrup regular	Each	
Syrup Diet	Each	
Deli	BOX	
Spaghetti	bag	
Lasagna	bag	
Spaghetti Sauce	CN	
Hormony	CN	
Uncatky sauce	TUB	
Pineapple 1bs (36)	CN	
Bello	BG	
Batter mix	Each	
Sauce Chili red	Each	
		<b>TOTAL</b>
		0 0.00%
		0 0.00%

	Mon	Tues	Wed	Thurs	Fri	Sat	Sun	Tot
Avocados	1			1		1		2
Bananas		3			5	5	8	
Cabbage Red				5	5	5		
Cantalope				2	2	2		
Carrots Shredded	5		1	1	1		1	5
Celery		1	1	1	1		2	
Cilantro				2	2	2		
Cole Slaw lb				5	5	5		
Chopped Romaine				4	4	4	12	
Dry red chile				1	1		0	
Jalapenos lbs	25	5		25	25	55		
Kale				1	1	0	0	
Lemons	5	5		10	10	20		
Lettuce - Iceberg 24 ct.	1	1	1	2	2	5		
Lettuce - shredded	1				1	1		
Limes					0	0		
Long Green Chili (Anaheim)	25				25			
Mushrooms P Bello	1			1	2			
Mushrooms Sliced (#5 and #10)	2	1		3				
Potatoes (50 to 60 ct.)			1		0			
Red onions	5	10	5		20			
Red onions rings	4			1	4			
Salad Mix					0			
Strawberry					0			
Tomatoes 5/6	3	3	1	1	7			
Watermelon			6	6	6			
Eggs					0			
Jalapenos whole (6 - #10)	6			6	6			
Garlic					0			
Onion White					0			
red baby potato					0			
Yellow onion rings	10	10	15		35			



Exhibit 2 Pg					
Oreo Crumbs 12/					
Cheese cake variety	EA	0	\$2.57	0	\$0.00
Chocto tort	EA	0	\$7.55	0	\$0.00
		0	\$11.74	0	\$0.00
		<b>TOTAL</b>	0	0.00%	\$0.00
POULTRY					
Chik Fritters 4 Bag Per Case	Bag	0	\$11.06	0	\$0.00
Chicken Breast 80 per Case	Each	0	\$0.84	0	\$0.00
Ostrich Patties 30/	Each	0	\$2.63	0	\$0.00
Turkey Burgers 28 per Case	Each	0	\$3.21	0	\$0.00
Crispy Chicken 52/cs 4 w/13	Each	0	\$0.87	0	\$0.00
Crch wing bridd mrid	bg	0	\$24.07	0	\$0.00
Boneless wings 4bags cs	bg	0	\$11.61	0	\$0.00
		<b>TOTAL</b>	0	0.00%	\$0.00
SEAFOOD					
Salmon Filet 32 PC.	EA	0	\$1.44	0	\$0.00
Fresh cod	Case	0	\$49.62	0	\$0.00
		<b>TOTAL</b>	0	0.00%	\$0.00
CONDIMENTS					
Ketchup 1/2 Gallon	Each	0	\$2.95	0	\$0.00
BBQ Pouch	Pouch	0	\$12.79	0	\$0.00
Buffalo Sauce Frank's	Jug	0	\$13.02	0	\$0.00
Mix Cheese Sauce(6)	Bag	0	\$5.30	0	\$0.00
Chipotle BBQ	Each	0	\$2.19	0	\$0.00
Heinz 57	Each	0	\$1.30	0	\$0.00
Honey Mustard	Pouch	0	\$11.86	0	\$0.00
Mustard Packets	Case	0	\$10.83	0	\$0.00
Yellow Mustard Pouch	Pouch	0	\$5.74	0	\$0.00
Spicy Mustard Pouch	Pouch	0	\$7.37	0	\$0.00
Herrerdish	Each	0	\$4.37	0	\$0.00
Ketchup pouch	Pouch	0	\$8.54	0	\$0.00
Ketchup Packets	Case	0	\$22.83	0	\$0.00
L&P Worcestershire	Each	0	\$1.24	0	\$0.00
Picante Mild	Each	0	\$8.69	0	\$0.00
Pickles Heinz/	Bag	0	\$2.93	0	\$0.00
Relish	Each	0	\$8.00	0	\$0.00
Tabasco Green and Red	Each	0	\$2.43	0	\$0.00
Tomatos, Diced w/Green Chilli	Can	0	\$1.73	0	\$0.00
Mayo Packets	Case	0	\$12.42	0	\$0.00
Mayo Pouch 1.5	Pouch	0	\$10.73	0	\$0.00
Mayo Gallon	Each	0	\$8.86	0	\$0.00
Juli	BTL	0	\$1.85	0	\$0.00
Juli sauce	BTL	0	\$2.61	0	\$0.00
Honey	Each	0	\$12.99	0	\$0.00
Honey 9 gram	cs	0	\$14.90	0	\$0.00
		<b>TOTAL</b>	0	0.00%	\$0.00
DRESSING/OIL					
Blue Cheese	Each	0	\$11.89	0	\$0.00
Caesar	Each	0	\$13.10	0	\$0.00
Canola Oil 75% (cs+4)	Each	0	\$14.70	0	\$0.00
Coleslaw Dr.	Each	0	\$10.33	0	\$0.00
French	Each	0	\$8.74	0	\$0.00
Fry Oil	Each	0	\$22.77	0	\$0.00
Golden Griddle	Each	0	\$18.18	0	\$0.00
Italian Golden	Each	0	\$5.55	0	\$0.00
Oriental Sesame	Each	0	\$15.99	0	\$0.00

		Exhibit 2 Pg		Exhibit 1 Pg	
Cattle bog	Each	0	\$0.42	0	\$0.00
Ranch FatFree	Each	0	\$0.32	0	\$0.00
Ranch Packets	Each	0	\$1.65	0	\$0.00
Raspberry vineget	Each	0	\$7.06	0	\$0.00
Soy Sauce	Each	0	\$7.96	0	\$0.00
Vegetable shortening	each	0	\$31.98	0	\$0.00
Thousand Island	Each	0	\$0.86	0	\$0.00
		<b>TOTAL</b>	0	0.00%	\$0.00
<b>SPICES</b>					
Dill weed	Bag	0	\$9.84	0	\$0.00
Blackened Seasoning	Bag	0	\$11.96	0	\$0.00
Bulk Black Pepper	Each	0	\$24.60	0	\$0.00
Cinnamon	Each	0	\$26.72	0	\$0.00
Gayenne	Each	0	\$5.15	0	\$0.00
Chill Powder	Each	0	\$29.42	0	\$0.00
Cose Grd Blk Pepper	each	0	\$9.67	0	\$0.00
Lemon Pepper	Each	0	\$9.90	0	\$0.00
Tic Gran	Each	0	\$31.86	0	\$0.00
Agano	each	0	\$17.21	0	\$0.00
Pepper Red Crush	each	0	\$27.79	0	\$0.00
Ground Mustard	Each	0	\$3.40	0	\$0.00
Fajita Spice	Each	0	\$10.99	0	\$0.00
Cajun seasonig	Each	0	\$10.29	0	\$0.00
Salt Indized	Pound	0	\$0.26	0	\$0.00
Salt Kosher	Box	0	\$1.19	0	\$0.00
Saute Seasoning	Bag	0	\$3.30	0	\$0.00
Spud Spice	Cose	0	\$30.29	0	\$0.00
Taco Seasoning	Bag	0	\$1.87	0	\$0.00
Wolfe Pepper	Each	0	\$15.10	0	\$0.00
		<b>TOTAL</b>	0	0.00%	\$0.00
<b>BAR CONDIMENTS</b>					
Canada Dry Tonic Water	Each	0	\$3.16	0	\$0.00
Clamato	Each	0	\$2.25	0	\$0.00
Dole Pineapple Juice	Each	0	\$1.47	0	\$0.00
Ocean Spray Cranberry	Each	0	\$0.43	0	\$0.00
Ocean Spray Grapefruit	Each	0	\$0.44	0	\$0.00
Olives	Each	0	\$17.07	0	\$0.00
PB N/A Triple Sec	Each	0	\$5.29	0	\$0.00
Port & mis t mang Ir	Each	0	\$3.25	0	\$0.00
Pass Grenadine	Each	0	\$3.39	0	\$0.00
Bull	Each	0	\$1.13	0	\$0.00
Bloodmary	Each	0	\$2.92	0	\$0.00
Pina Cola Mix	Each	0	\$3.25	0	\$0.00
Roses lime Juice	Each	0	\$4.49	0	\$0.00
Strawberry	Each	0	\$1.18	0	\$0.00
Mango	Each	0	\$1.18	0	\$0.00
peach	Each	0	\$1.18	0	\$0.00
Sweet n Sour Mix	Each	0	\$3.25	0	\$0.00
		<b>TOTAL</b>	0	0.00%	\$0.00
		<b>TOTAL</b>	FOOD	#VALUE!	\$0.00
		Inv total		0	\$0.00
<b>DOMESTIC BEER</b>					
Bud Lite	Each	0	\$0.74	0	\$0.00
Budweiser	Each	0	\$0.74	0	\$0.00
Budweiser Select	Each	0	\$0.71	0	\$0.00
Bud Lite/ Bud 7oz	Each	0	\$0.49	0	\$0.00
Bud Cans	Each	0	\$0.78	0	\$0.00





Myer's Rum	0.6	-0.6	\$5.26	-3.156	\$0.00
Bacardi	0.95	-0.95	\$4.12	-13.414	\$0.00
Bacardi O	0.55	-0.55	\$9.15	-5.0325	\$0.00
Bacardi Limon	0.4	-0.4	\$41.56	-16.624	\$0.00
Bacardi 151 Degrees	0.6	-0.6	\$21.58	-12.948	\$0.00
Parrot Bay Pineapple	0		\$22.93	0	\$0.00
Parrot Bay Coconut (com)	0.8	-0.8	\$19.99	-15.992	\$0.00
Bacardi Light	0		\$14.49	0	\$0.00
Captain Morgan Spiced Rum	0.95	-0.95	\$15.00	-14.25	\$0.00
	0	\$12.58	0		\$0.00
	0	\$14.90	0		\$0.00
<b>SCOTCH/WHISKEY</b>					
Highland Mist Scotch	0.1		<b>TOTAL</b>	-81,4165	#DIV/0!
Evan Williams Whiskey	0.2			\$0.00	
Seagrams 7	0.75	-0.75	\$30.30	-22.725	\$0.00
Jack Daniels	0.75	-0.75	\$10.24	-7.68	\$0.00
Jim Beam (4 Year)	0.5	-0.5	\$14.50	-7.25	\$0.00
Canadian Club	0		\$21.60	0	\$0.00
Old Turkey	0.8	-0.8	\$50.02	-40.016	\$0.00
My Walker Red (com)	0		\$10.49	0	\$0.00
Johnny Walker Black (com)	0		\$19.39	0	\$0.00
Jameson 750	0.5	-0.5	\$47.03	-23.515	\$0.00
Crown Royal	0.5	-0.5	\$33.82	-16.91	\$0.00
Buchanans	0.1	-0.1	\$26.10	-2.61	\$0.00
Chivas Regal	0.4	-0.4	\$26.10	-10.44	\$0.00
Glenlivet	0.75	-0.75	\$48.94	-36.705	\$0.00
	0	\$31.82	0		\$0.00
	0	\$51.80	0		\$0.00
<b>COGNAC/BRANDY</b>					
Presidente (Brandy)	0.5		<b>TOTAL</b>	-167,851	#DIV/0!
X-Balted (com)				\$0.00	
Hot N' Hollistic	0				
Convoisier	0		\$37.77	0	\$0.00
Comteau	0.8	-0.8	\$23.20	-18.56	\$0.00
Heublein	0		\$25.20	0	\$0.00
	0.8	-0.8	\$51.32	-41.056	\$0.00
	0		\$32.90	0	\$0.00
	0		\$33.05	0	\$0.00
<b>MISCELLANEOUS</b>					
Fire Water	0.9		<b>TOTAL</b>	-59,616	#DIV/0!
Southern Comfort	0.1	-0.1	\$18.74	-1.874	\$0.00
Tequila Rose	0		\$22.64	0	\$0.00
Crumble Mize	0		\$27.18	0	\$0.00
Frenchsager	0		\$39.10	0	\$0.00
Belico	0		\$22.00	0	\$0.00
Jermeister	0		\$22.98	0	\$0.00
Amaretto (Disaronno) (com)	0		\$25.61	0	\$0.00
Kahlua	0		\$22.00	0	\$0.00
Bailey's	0		\$22.40	0	\$0.00
Chambord	0.1	-0.1	\$20.25	-2.025	\$0.00
Grand Marnier	0		\$22.55	0	\$0.00
<b>Liquers</b>					
Hotel Korn (Berenize)	0		\$40.67	0	\$0.00
	0		\$37.69	0	\$0.00
<b>TOTAL</b>			-3,899	-0.07%	\$0.00
	0	\$3.21	0		\$0.00

12-03012-hcm Doc#89-1 Filed 04/05/13 Entered 04/05/13 16:36:24 Exhibit Exhibit 1 Pg 24 of 52





FUDDS 1

\$1,295.33

PO Catering  
Outstanding 2010

12/21/2011

		EAST			
1	2/24/2011	Helen /Glen cove (yisd)	\$ 110.00	1	5/7/2010 Hill Crt. School (YISD) \$ 175.00
2	3/30/2011	Eastlake (sisd)	\$ 234.00	2	7/24/2010 Pecos High (PISD) \$ 154.00
3	4/24/2011	Arelie	\$ 150.00	3	12/16/2010 Presidio \$ 265.53
4	5/16/2011	Eastwood (yisd)	\$ 243.00	4	1/8/2010 Ector Country ISD \$ 250.00
5	5/18/2011	Eastwood (yisd)	\$ 220.50	5	9/23/2011 Tracy \$ 142.00
6	6/17/2011	Susan	\$ 97.43	6	10/11/2011 Humana \$ 196.73
7	6/29/2011	Fort Bliss	\$ 500.00	7	10/20/2011 Tracy \$ 142.00
8	7/6/2011	Jesus EPCC	\$ 195.50	8	11/1/2011 Tracy \$ 142.00
9	8/3/2011	Jesus EPCC	\$ 207.00	9	12/10/2011 GC Services \$ 155.88
10	8/10/2011	Eastlake (sisd)	\$ 468.00	10	12/11/2011 GC Services \$ 216.50
11	8/15/2011	Sonya /Damian Elem	\$ 300.00	11	12/14/2011 Ranchland \$ 69.86
12	8/16/2011	Irving High (Eist)	\$ 1,200.00	12	12/15/2011 Riverside \$ 129.74
13	8/17/2011	Eastlake (sisd)	\$ 477.00	13	12/17/2011 Gc Services \$ 303.10
14	8/24/2011	Eastlake (sisd)	\$ 312.00		
15	9/16/2011	MWR/ Biggs Park	\$ 1,000.00		Total \$ 2,342.34
16	10/27/2011	Hill Crest (yisd)	\$ 479.20		
17	10/29/2011	Eastwood (yisd)	\$ 430.00		WEST
18	11/3/2011	Hill Crest (yisd)	\$ 496.30		
19	11/4/2011	Ysleta (yisd)	316-256	1	4/9/2011 Franklin \$ 185.00
20	11/9/2011	Epia	\$ 1,461.38	2	11/18/2011 Ysleta \$ 51.00
21	11/11/2011	Canutillo (sisd)	\$ 200.00	3	12/7/2011 Cobre Highschool \$ 98.00
22	11/15/2011	Canutillo midd (SISD)	\$ 645.75		
23	11/16/2011	USO	\$ 3,000.00		Total \$ 334.00
24	11/30/2011	Eastlake	\$ 148.50		
25	12/8/2011	Eastlake	\$ 225.00		
26	12/9/2011	Tina	\$ 416.30		
27	12/9/2011	Ray	\$ 148.84		
28	12/10/2011	USO	\$ 7,000.00		
29	12/13/2011	Canutillo	\$ 600.00		
30	12/13/2011	Che	\$ 25.00		
31	12/13/2011	Ernie	\$ 324.75		
32	12/13/2011	Eastlake	\$ 207.00		
33	12/14/2011	EPISD	\$ 307.50		
34	12/14/2011	Mcgoffin	\$ 958.80		
35	12/16/2011	Gc Services	\$ 2,269.46		
36	12/16/2011	Housing Authority	\$ 3,495.00		
		Ysleta Independet School	\$ 175.00	we don't know to which Po correspond	
		University Medical Center of El paso	\$ 204.36	we don't know to which Po corespond	
Returned ck		Virginia Medina Check	\$ 60.00		

1	9/30/2011	Alorica	\$ 45.96
2	10/18/2011	Alorica	\$ 32.44
3	10/19/2011	Alorica	\$ 64.18
4	10/20/2011	Alorica	\$ 83.54
5	10/21/2011	Alorica	\$ 56.44
6	10/24/2011	Alorica	\$ 69.83
7	10/25/2011	Alorica	\$ 66.05
8	10/27/2011	Alorica	\$ 33.51
9	11/3/2011	Alorica	\$ 37.81

# FIRTH♦JOHNSTON♦MARTINEZ

A PROFESSIONAL LEGAL CORPORATION

415 NORTH MESA, THIRD FLOOR  
EL PASO, TEXAS 79901

TELEPHONE (915) 532-7500  
FACSIMILE (915) 532-7503

-17-- Pages (including this sheet)

November 14, 2012

TO: Mr. Corey W. Haugland  
James & Haugland, P.C. FAX NO.: (915) 541-6440

**FROM:** Christopher R. Johnston, Esq./M. Woods

REPLY TO PHONE NO. (915) 532-7500 OR FAX NO. (915) 532-7503

Re: *DHC Realty, Inc., Debtor; Case No. 11-30977-hcm; DHC Realty, LLC, Chowaiki Holdings, LLC, et al. v. Armando Armendariz, et al.; Adversary No. 12-03012-hcm; In the United States Bankrutcy Court for the Western District of Texas, El Paso Division*

**MESSAGE:** See attached correspondence and attachments in the above referenced matter

Thank you.

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

\*\*\*\*\*  
 12-03012-hcm Doc#58-1 Filed 02/05/13 Entered 02/05/13 21:54:55 Exhibit Exhibit 2 Pg 01  
 TRANSACTION REPORT

NOV-14-2012 WED 01:54 PM

FOR: Firth\*Johnston\*Martinez 915 532 7503

SEND

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
NOV-14	01:49 PM	5416440	5'21"	17	FAX TX	OK	290	

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**FIRTH JOHNSTON MARTINEZ**

A PROFESSIONAL LEGAL CORPORATION

415 NORTH MESA, THIRD FLOOR  
EL PASO, TEXAS 79901TELEPHONE (915) 532-7500  
FACSIMILE (915) 532-7503-17-- Pages (including this sheet)

November 14, 2012

TO: Mr. Corey W. Haugland FAX NO.: (915) 541-6440  
James & Haugland, P.C.

FROM: Christopher R. Johnston, Esq./M. Woods

REPLY TO PHONE NO. (915) 532-7500 OR FAX NO. (915) 532-7503

Re: DHC Realty, Inc., Debtor; Case No. 11-30977-hom; DHC Realty, LLC,  
Chowalki Holdings, LLC, et al. v. Armando Amendariz, et al.; Adversary  
No. 12-03012-hom; In the United States Bankruptcy Court for the Western  
District of Texas, El Paso Division

**MESSAGE:** See attached correspondence and attachments in the above referenced  
matter.

Thank you.

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THANK YOU.

## **Exhibit 2**

# FIRTH◆JOHNSTON◆MARTINEZ

A PROFESSIONAL LEGAL CORPORATION

415 NORTH MESA, THIRD FLOOR  
 EL PASO, TEXAS 79901  
 (915) 532-7500  
 FACSIMILE (915) 532-7503

**VICTOR M. FIRTH**

Member: Texas and Oklahoma Bars

**CHRISTOPHER R. JOHNSTON<sup>†</sup>**

Member: Texas and New Mexico Bars

**ANTONIO MARTINEZ, JR.**

Member: Texas Bar

**EDWARD DEV. BUNN, JR.**

Member: Texas and New Mexico Bars

**J. CRAWFORD KERR**Member: Texas Bar  
*Of Counsel***CRAWFORD S. KERR, JR.**

Member: Texas Bar

<sup>†</sup> Board Certified Texas Board of Legal Specialization  
 Civil Trial Law and Personal Injury Trial Law

November 26, 2012

**VIA FACSIMILE: (915) 541-6440**

Mr. Corey W. Haugland  
 James & Haugland, P.C.  
 609 Montana  
 El Paso, TX 79902

Re: *DHC Realty, Inc., Debtor; Case No. 11-30977-hcm; DHC Realty, LLC, Chowaiki Holdings, LLC, et al v. Armando Armendariz, et al.; Adversary No 12-03012-hcm; In the United States Bankruptcy Court for the Western District of Texas, El Paso Division*

Dear Mr. Haugland:

I am writing in response to your letter dated November 21, 2012, regarding Defendants' responses to Plaintiffs' requests for discovery in the above matter. Please find attached a copy of the list of potential non-expert witnesses in response to Interrogatory No. 2 for all Defendants as requested. I will be sending signed verifications for the responses to Interrogatories to you tomorrow. I have not received any response regarding a mutual confidentiality agreement which I proposed in my letter of November 14<sup>th</sup>. Given that much of the documentation is too voluminous to produce, as stated in the responses, various documents will be made available for inspection at a mutually agreed time. Other documentation, as it contains personal information, will be produced subject to the confidentiality agreement. Once the agreement is finalized and executed by all parties, we will produce the requested documents.

Very truly yours,

**FIRTH◆JOHNSTON◆MARTINEZ**

Christopher R. Johnston

CRJ:mz

LIST OF POTENTIAL NON-EXPERT WITNESSES

General Response: For each of the below witnesses, no compensation has been promised and any compensation provided will be in accordance with the Federal Rules of Civil Procedure.

David Chowaiki—Plaintiff

301 Williams St.

El Paso, TX 79901

(915) 637-1970

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim.

Abraham Chowaiki—Father of Plaintiff David Chowaiki

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim.

Nadia Nahmed—Mother of Plaintiff David Chowaiki

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim.

Hilel Chowaiki—Part owner of various Plaintiff entities, brother of Plaintiff David

Chowaiki

301 Williams St.

El Paso, TX 79901

(915) 637-1970

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim.

Ernie Gluck—Consultant of Plaintiffs

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim.

Leticia Luna—Prep/Catering team at one or more of Plaintiff entities

1210 Country Club Road

Apt. #6

Santa Teresa, N.M.

(915) 328-1572

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim.

Gary J. Gutierrez—Vending/Game Technician for Plaintiff entities

Address unknown at this time

(915) 345-1800

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim.

Jasmine Cervantes—Catering team at one or more of Plaintiff entities

11640 Maquítico Crt.

El Paso, TX 79936

(915) 234-6765

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim.

Tim Giangrossi— Manager at one or more of Plaintiff entities

2317 Ashley River Road and/or 881 Paris Island Gateway

Apt. B Beauford, SC 29906

Charleston, SC 29414

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim.

Rita Rodriguez—Former employee at one or more of Plaintiff entities

129 Ventura Dr.

El Paso, TX 79907

(915) 443-8786

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim.

Danny Armendariz—Former General Manager for one or more of Plaintiff entities

Janway Dr.

El Paso, TX

(915) 630-3196

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim.

Graciela Castro—Former employee at one or more of Plaintiff entities

Address unknown at this time

El Paso, TX

(915) 249-5960

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim.

Marie Drake—Former General Manager for one or more of Plaintiff entities

81 Camille Drive #27

El Paso, TX 79912

(915) 691-5000

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim.

Lisa Lipscomb—Former cashier at one or more of Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim.

Angel Cruz—Former supervisor/catering/inventory/special events inventory employee

at one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim.

Sandy Nevarez—Worked at events catered by one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim.

Javier Lopez, performed wood work for one or more Plaintiffs

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim.

Carlos Calderon—Lawn Maintenance for one or more Plaintiffs

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim.

Jesus Trinidad—Former employee of one or more Plaintiffs

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim.

Yvonne Vallejo—Assistant Principal at Paso Del Norte School

12300 Tierra Este

El Paso, TX 79938

(915) 937-6200

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim.

Jeanette Williams—Principal at Paso Del Norte School

12300 Tierra Este

El Paso, TX 79938

(915) 937-6200

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim.

Rachel Montellano—Teacher at Paso Del Norte School

12300 Tierra Este

El Paso, TX 79938

(915) 937-6200

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim.

Manuel Segovia—Owner Segovia's Produce, service provider to one or more Plaintiffs

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim.

Jerry Quintero—Owner of Quinteros Meat, service provider to one or more Plaintiffs

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim.

Alex Gippin—Former City Manager for one or more Plaintiff entities

Address unknown at this time

(580) 647-2921

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim.

Jeff Cordero--- Former General Manager for one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim.

Ray Montano—Former General Manager for one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim.

Abraham Alfaro---General Manager for one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim.

Lorraine Gomez—Current or former girlfriend of Abraham Chowaiki

10144 Stedham Circle

El Paso, TX 79927

(915) 204-7219

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim.

Richard Hanson---Former Catering Manager for one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim.

Ivan Alfaro —Manager for one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim.

Detective Nicole Ram—Detective at El Paso Police Department

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim.

Jesse Esparza—Former CFO for one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim.

Vicky Carrasco —Accountant for one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim.

Rosa Mendez —Accountant for one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim.

Maribel Alonso—Office employee at one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim.

Marisol Alonso --- Office employee at one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

Sharon Dillard —Former Accountant for Basic Sports Apparel and one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

Helen Price— Former Accountant for Basic Sports Apparel and one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

Don Kingery—Computer Technician

ELPTech

416 Paseo Real

Chaparral, N.M. 88081

(915) 208-5842

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

Karon Scalora—Corporate Consultant for one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

Greg Smith— Corporate Consultant for one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

Luis Chacon—Warehouse employee for one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

Guadalupe Medina —Maintenance for Basic Sports Apparel and one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

Hector Saenz—Warehouse Employee/Maintenance for one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

Dora Saenz—Former manager/vending coin counter for one or more Plaintiff entities  
Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Tracy Presley—Girlfriend of David Chowaiki

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Alex Medrano Jr. —Owner of AMR Equipment Sales

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Lorenzo Carrillo – Former employee at one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Iveth Macias—Former catering verifier/cashier at one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Elvira Rangel—Prep catering at one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Oscar Galvan—Cook/catering at one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Leslie Orosco—Supervisor at one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Flavio Garcia—Employee at one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit,  
and/or Defendants' Counterclaim

Laura Summers—Employee at one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

Timothy Myers—Former manager at one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

Maribel Myers—Former employee at one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

Maria Sanchez—Former cashier at one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

Angel Gallegos—Cook at one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

Angelina Gallegos—Employee at one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

Fernando Salazar—Former breakfast cook at one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

Gerardo Portillo—Former Manager for one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

Terrie Todd—Former Executive Director of Amigo Airsho

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

Carol Roberts-Spence—Former Executive Director Amigo Airsho

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

Robert Medrano—Associated with event(s) catered by one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

Raul Barraza—Provides/provided services to one or more Plaintiffs

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

Christy Alcala—Representative for Glazers; provides services to one or more Plaintiffs

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

Nayeli Gonzalez—Cashier at one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

Jonny Villalobos—Delivery driver for US Foods

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

Many Delgado—Former employee at one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

Adriana Balderrama—Former cashier at one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

Darlene Montoya—Former cashier at one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

Tanya Montano—Former cashier at one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

Syndil Cedillo—Cashier/catering at one or more Plaintiff entities

3712 Tierra Alamo

El Paso, TX 79938

(915) 867-4457

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

Sara Dubow—Sales representative for KTSM

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

Joe Lucero—Marketing Associate for Sysco

601 Comanche Rd NE

Albuquerque, NM. 87107

915-256-6366

800-669-3663 Ext. 1809

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

Elizabeth Dupont—Marketing Associate for Sysco

Address unknown at this time

(915) 238-7916

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

Trisha Roney—Army & Air Force Exchange Service, Services & Vending

Slater & Chaffee Rd. Fort Bliss, Tx 79918

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

Tomas Alva—Army & Air Force Exchange Service, Services & Vending

Slater & Chaffee Rd. Fort Bliss, TX 79918

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

Yolanda Facio—ADC Accounts Payable; accounts payable for one or more Plaintiffs

101 Lindbergh Drive

Santa Teresa, NM 88008

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

Amanda Anguiano—Former cashier at one or more Plaintiff entities

Address unknown at this time

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

Todd Roberts—General Manager for ProTech Home Systems

7370 Remcon Circle

El Paso, TX 79912

915-241-7558

915-755-8884

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

Kelly Simon

William Chancellor

Patrick Morrison

K. Simon Construction

12236 Maria Seanes

El Paso, TX 79936

May be called to testify regarding the claims made the subject matter of this lawsuit, and/or Defendants' Counterclaim

# FIRTH•JOHNSTON•MARTINEZ

A PROFESSIONAL LEGAL CORPORATION

415 NORTH MESA, THIRD FLOOR  
EL PASO, TEXAS 79901

TELEPHONE (915) 532-7500  
FACSIMILE (915) 532-7503

13 Pages (including this sheet)

November 26, 2012

**TO:** Mr. Corey W. Haugland . . . . . **FAX NO.:** (915) 541-6440  
James & Haugland, P.C.

**FROM:** Christopher R. Johnston, Esq./M. Woods

REPLY TO PHONE NO. (915) 532-7500 OR FAX NO. (915) 532-7503

Re: *DHC Realty, Inc., Debtor; Case No. 11-30977-hcm; DHC Realty, LLC, Chowaiki Holdings, LLC, et al v. Armando Armendariz, et al; Adversary No. 12-03012-hcm; In the United States Bankruptcy Court for the Western District of Texas, El Paso Division*

**MESSAGE:** See attached correspondence in the above referenced matter.

Thank you.

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NOV-26-2012 MON 04:03 PM

FOR: Firth\*Johnston\*Martinez 915 532 7503

SEND

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
NOV-26	03:58 PM	5416440	4' 05"	13	FAX TX	OK	300	

TOTAL : 4M 5S PAGES: 13

**FIRTH♦JOHNSTON♦MARTINEZ**

A PROFESSIONAL LEGAL CORPORATION

416 NORTH MESA, THIRD FLOOR  
EL PASO, TEXAS 79901TELEPHONE (915) 532-7500  
FACSIMILE (915) 532-750313 Pages (including this sheet)

November 26, 2012

TO: Mr. Corey W. Haugland FAX NO.: (915) 541-6440  
James & Haugland, P.C.

FROM: Christopher R. Johnston, Esq./M. Woods

REPLY TO PHONE NO. (915) 532-7500 OR FAX NO. (915) 532-7503

Re: DHC Realty, Inc., Debtor; Case No. 11-30977-hcm; DHC Realty, LLC,  
Chowalki Holdings, LLC, et al v. Armando Armendariz, et al; Adversary  
No. 12-03012-hcm; In the United States Bankruptcy Court for the Western  
District of Texas, El Paso Division

MESSAGE: See attached correspondence in the above referenced matter.

Thank you.

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AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR  
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THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US BY TELEPHONE AND RETURN THE  
ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE.  
THANK YOU.

## **Exhibit 3**

# FIRTH◆JOHNSTON◆MARTINEZ

A PROFESSIONAL LEGAL CORPORATION

415 NORTH MESA, THIRD FLOOR  
EL PASO, TEXAS 79901  
(915) 532-7500  
FACSIMILE (915) 532-7503

**VICTOR M. FIRTH**  
Member: Texas and Oklahoma Bars

**CHRISTOPHER R. JOHNSTON<sup>†</sup>**  
Member: Texas and New Mexico Bars

**ANTONIO MARTINEZ, JR.**  
Member: Texas Bar

**EDWARD DEV. BUNN, JR.**  
Member: Texas and New Mexico Bars

**J. CRAWFORD KERR**  
Member: Texas Bar  
Of Counsel

**CRAWFORD S. KERR, JR.**  
Member: Texas Bar

<sup>†</sup> Board Certified – Texas Board of Legal Specialization  
Civil Trial Law and Personal Injury Trial Law

January 17, 2013

**Via Facsimile (915) 541-6440 &**  
**CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

Mr. Corey W. Haugland  
James & Haugland, P.C.  
609 Montana  
El Paso, TX 79902

Re: *DHC Realty, Inc., Debtor; Case No. 11-30977-hcm; DHC Realty, LLC, Chowaiki Holdings, LLC, et al v. Armando Armendariz, et al.; Adversary No 12-03012-hcm; In the United States Bankruptcy Court for the Western District of Texas, El Paso Division*

Dear Mr. Haugland:

This letter concerns Plaintiffs' Responses to Defendants' Requests for Production and Interrogatories served on November 19, 2012 in the above matter. In response to many of Defendants' Requests for Production, Plaintiffs' have stated that documents will be made available for inspection and copying. I would like to arrange for a time to inspect these documents. Please let me know which days over the next two weeks of when I will be able to conduct such an inspection.

Additionally, many responses to Defendants' Requests for Production state the following: "No items have been identified – after a diligent search – that are responsive to the request." Please confirm, in writing, for each such response, that no such documents exist. In some cases, where it has been stated that there are no documents, it was later reported by your expert Douglas A. Little, that he reviewed those documents in preparation of his report. This is disconcerting. For example, in

C. Haugland  
January 17, 2013  
Page 2

response to Requests for Production Nos. 25 and 26, it was stated that the previous POS systems were removed from the various restaurants at different times in 2010 resulting in the loss of any POS data prior to that time. Nevertheless, Mr. Little clearly states that he reviewed the POS data from 2008 all the way through 2012. Likewise, in response to Request for Production No. 27, which requested the Profit and Loss Statements for each of the Fuddruckers Restaurants, it was stated that there were no such documents. This response is particularly questionable given the fact that the 2011 Profit and Loss Statement was produced to the bankruptcy court in Plaintiff and Debtor DHC Realty, LLC's Second Amended Disclosure Statement. Further, Mr. Little also states that he reviewed such statements from 2008 through 2012 in preparation of his report. I again request that you supplement your responses and immediately produce the POS documentation and Profit and Loss Statements requested. Likewise, if any other such documents are available, I again request that those be produced as well. Otherwise, as stated, please confirm in writing that no such documents exist.

Further, I would also request that you supplement your responses and produce any and all documentation relied upon by your designated experts Mr. Little and Mr. Gluck, as requested in Defendants' Requests for Production, including the "[s]elected information provided by David & Hilel Chowaiki" referred to in Mr. Little's report.

Request for Production No. 15 requests in part "Payroll Checks with stubs for every El Paso Fuddruckers Employee..." and "Manager Payroll Reports and Paychecks with Stubs...". Plaintiffs have objected that these documents "are protected by third parties' right to privacy." As mentioned in my letter of November 14, 2012 and my subsequent letter of November 26<sup>th</sup>, I have proposed a mutual confidentiality agreement which would ensure the concerned individuals' privacy in these matters. To date I have not received any response from you regarding a confidentiality agreement.

Plaintiffs have objected to Request for Production No. 39, requesting tax returns for Spira, Basic Sports Apparel, and "any other entity owned by the Chowaikis" which would include entities owned by David Chowaiki. Objections were made that the documents were requested from non-parties. While it may be true that Spira, Basic Sports Apparel, and the other entities are not named Plaintiffs in this lawsuit, they are, nevertheless, entities owned, at least in part, by named Plaintiff, David Chowaiki, making the requested tax returns discoverable. The request for production was also not a request for records from a non-party as stated in the objections. The request for production sought records from Plaintiff David Chowaiki, who is a named party.

Requests for Production Nos. 44, 49, and 50 each request copies of emails, recordings, payments made, reports or notes regarding Leon Ernie Gluck. Mr. Gluck has been designated an expert by Plaintiffs. Many of his alleged findings attempt to substantiate the claims brought forward by Plaintiffs, and contain many allegations regarding the Defendants, including observations made, etc. Without question, any of the documentation requested in Nos. 44, 49, and 50 is relevant and discoverable, and must be produced.

Request for Production No. 48 requests "weekly catering purchase order outstanding records...". Plaintiffs have objected that this request is vague, ambiguous,

C. Haugland  
January 17, 2013  
Page 3

etc. The terminology used in this Request is the terminology used on a day-to-day basis in the operations of the Fuddruckers Restaurants, and is therefore terminology with which Plaintiff David Chowaki would be readily familiar. Plaintiffs have further objected claiming privilege as to current outstanding records, stating that the documents are proprietary and constitute trade secrets. Plaintiffs have made certain allegations with respect to the catering side of the Fuddruckers operations, including loss of profits, making such documentation likewise relevant and therefore discoverable.

Plaintiffs have objected to Request for Production No. 51 subsections b, c, d, and e, stating that "contacts [sic] entered into subsequent to Armando Armendariz' termination...are privileged as proprietary, constituting trade secrets and otherwise protected as property rights". Similarly, Plaintiffs have responded to Request for Production No. 53 by objecting to the production of the 2012 Amigo Airsho contract citing privilege. It would clearly prejudice Defendants to only have access to contracts requested before Mr. Armendariz' termination, as it would prevent Defendants from preparing an adequate defense. Plaintiffs are not free to simply withhold such documents in this manner under a pretense of privilege.

In reference to Plaintiffs' Responses to Defendants' Interrogatories, Plaintiffs object throughout that Defendants have not complied with the scheduling order and submitted more than 25 interrogatories without merit. The exact wording of the objections is "[r]equiring Plaintiffs to answer this Interrogatory will result in more than twenty five responses...". The total number of interrogatories served on Plaintiffs is 15. The maximum allowed per the court order is 25. Please supplement your responses by withdrawing these objections and completely responding to each interrogatory which was either not responded to or partially responded to because of this objection.

Lastly, Interrogatory No. 11 requests that Plaintiffs "[d]escribe in detail the factual and legal basis for each allegation...". No attempt was made to respond to this interrogatory, but only objections, including the one stated in the previous paragraph and secondary objections that it is overly broad, etc. Please supplement your response by withdrawing your objections and/or providing a response to this interrogatory.

Please give me a call should you have any questions.

Very truly yours,

FIRTH♦JOHNSTON♦MARTINEZ

Christopher F. Johnston

CRJ:mz

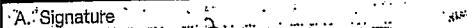
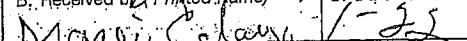
cc: Client  
Mr. Sidney J. Diamond – Via email

**DER: COMPLETE THIS SECTION**

Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired. Print your name and address on the reverse side of this card so that we can return the card to you. Attach this card to the back of the mailpiece, on the front if space permits.

Circle Addressed to:

Corey W. Haugland  
James & Haugland, P.C.  
Montana  
El Paso, Texas 79902

**COMPLETE THIS SECTION ON DELIVERY**A. Signature   Agent  AddresseeB. Received by  Printed Name  C. Date of Delivery D. Is delivery address different from Item 1?  YesIf YES, enter delivery address below:  No

## 3. Service Type

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee)  YesDelivery Number 7011 2000 0000 8026 3349  
Transfer from service

Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**U.S. Postal Service****CERTIFIED MAIL RECEIPT***(Domestic Mail Only; No Insurance Coverage Provided)*For delivery information visit our website at [www.usps.com](http://www.usps.com)**OFFICIAL USE**

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	

Postmark  
HereTotal P<sub>c</sub> Mr. Corey W. Haugland

James &amp; Haugland, P.C.

609 Montana

El Paso, Texas 79902

PS Form 3800 (August 2006) See Reverse for Instructions

**FIRTH♦JOHNSTON♦MARTINEZ**  
A PROFESSIONAL LEGAL CORPORATION

415 NORTH MESA, THIRD FLOOR  
EL PASO, TEXAS 79901

TELEPHONE (915) 532-7500  
FACSIMILE (915) 532-7503

**4 Pages** (including this sheet)

January 17, 2013

REPLY TO PHONE NO. (915) 532-7500 OR FAX NO. (915) 532-7503

Re: *DHC Realty, Inc., Debtor; Case No. 11-30977-hcm; DHC Realty, LLC, Chowaiki Holdings, LLC, et al v. Armando Armendariz, et al.; Adversary No 12-03012-hcm; In the United States Bankruptcy Court for the Western District of Texas, El Paso Division*

**MESSAGE:** See attached correspondence in the above matter.

Thank you.

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## TRANSACTION REPORT

JAN-17-2013 THU 03:43 PM

FOR: Firth\*Johnston\*Martinez 915 532 7503

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DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
JAN-17	03:42 PM	5416440	1' 43"	4	FAX TX	OK	396	

TOTAL : 1M 43S PAGES: 4

**FIRTH•JOHNSTON•MARTINEZ**

A PROFESSIONAL LEGAL CORPORATION

415 NORTH MESA, THIRD FLOOR  
EL PASO, TEXAS 79901TELEPHONE (915) 532-7600  
FACSIMILE (915) 532-75034 Pages (Including this sheet)

January 17, 2013

TO: Mr. Corey W. Haugland FAX NO.: (915) 541-6440  
James & Haugland, P.C.

FROM: Christopher R. Johnston, Esq./M. Woods

REPLY TO PHONE NO. (915) 532-7500 OR FAX NO. (915) 532-7503

Re: DHC Realty, Inc., Debtor; Case No. 11-30977-hcm; DHC Realty, LLC,  
Chowalki Holdings, LLC, et al v. Armando Armendariz, et al.; Adversary No 12-  
03012-hcm; In the United States Bankruptcy Court for the Western District of  
Texas, El Paso Division

MESSAGE: See attached correspondence in the above matter.

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ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE.  
THANK YOU.

**Martha A.. Woods**

---

**From:** txwb\_systems@txwb.uscourts.gov  
**Sent:** Tuesday, February 05, 2013 8:55 PM  
**To:** Courtmail@txwb.uscourts.gov  
**Subject:** 12-03012-hcm Ch- Response DHC Realty, LLC et al v. Armendariz et al

\*\*\*NOTE TO PUBLIC ACCESS USERS\*\*\* Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30-page limit do not apply.

**U.S. Bankruptcy Court**

**Western District of Texas**

**Notice of Electronic Filing**

The following transaction was received from Christopher Robert Johnston entered on 2/5/2013 at 9:54 PM CST and filed on 2/5/2013

**Case Name:** DHC Realty, LLC et al v. Armendariz et al

**Case Number:** 12-03012-hcm

**Document Number:** 58

**Docket Text:**

Response Filed by Christopher Robert Johnston for Defendants Armando Armendariz, Hector Armendariz, Yvette Armendariz (Attachments: # (1) Exhibit Exhibit 2# (2) Exhibit Exhibit 2# (3) Exhibit Exhibit 3) (Johnston, Christopher) (related document(s): [49] Motion Plaintiffs' Motion to Compel and for Sanctions Against Hector Armendariz Filed by Corey W. Haugland for Plaintiffs David Chowaiki, Chowaiki Holdings, LLC, DHC Realty, LLC, El Paso DHC Enterprises Far East, LLC, El Paso DHC Enterprises West, LLC, El Paso DHC Enterprises, LLC. (Attachments: # 1 Exhibit Exhibit P-1# 2 Exhibit Exhibit P-2# 3 Exhibit Exhibit P-3))

The following document(s) are associated with this transaction:

**Document description:** Main Document

**Original filename:** Def Resp to Pltfs Motion to Compel Against Defendant Hector Armendariz.pdf

**Electronic document Stamp:**

[STAMP\_bkecfStamp\_ID=988230274 [Date=2/5/2013] [FileNumber=18322881-0]  
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33181a31f293428c5269c6fed6207a822f87ea92642345fc3af2fe2fea3d]]

**Document description:** Exhibit Exhibit 2

**Original filename:** Exhibit 1.pdf

**Electronic document Stamp:**

[STAMP\_bkecfStamp\_ID=988230274 [Date=2/5/2013] [FileNumber=18322881-1]  
[156e4f082bf800b3f1e5d0a645cea08098ac6cf6d4684f4747645dc33ec634b4b7cc  
1cd51f9a2b29f1df5670fa4c1e6d17142ab57829589535c93fd0fcf9e72f]]

**Document description:** Exhibit Exhibit 2